IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6458 OF 2006

Om Satyashiv Jayawant Paralkar] .. Petitioner

Versus

1. The Commissioner, Thane Municipal Corporation & 2 ors.] .. Respondents

Ms. Neeta P. Karnik for the petitioner.

Mr. R.S. Apte for the respondents No.2 and 3.

CORAM: S.B. MHASE, &
R.S. MOHITE, JJ.

DATED: 02ND APRIL, 2007

P.C. :

. Heard.

2. The petitioner is working as a Junior Scientific Assistant on contract basis in Pollution Control Department of the respondent on consolidated pay of Rs.3,000/- per month with effect from 29th August, 2000. The grievance of the petitioner presently is that there are posts of Junior Chemist and Field Chemist available with the respondent and that the petitioner can be considered for the said post. The respondents have filed an Affidavit stating that there is only one

post available. However, it is a reserved post for an S.T. candidate. It is further a case of the respondents that regular substantive post cannot be given to the petitioner because the petitioner is appointed on a contract basis in the National Ambient Air Quality Monitoring Programme (NAAQM). There is no dispute over the fact that the petitioner has been appointed in a specific scheme viz. NAAQM Programme and not in a regular recruitment. It is further not in dispute that the post available is not a promotional post from the post where the petitioner is working and under these circumstances, even if there is one reserved post available that post will have to be filled in after following due procedure for recruitment and it cannot be offered to the petitioner. Since the petitioner is working under a particular Scheme and unless there are some Rules or Government Resolutions to absorb him and/or to offer him the regular post, the petitioner cannot be considered for such post.

3. The Petition is without any merit and it is hereby rejected.

Sd/-
[R.S. MOHITE, J.]

Sd/-
[S.B. MHASE, J.]